

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2017-95  
Petition of 285 Grove Street LLC  
285 Grove Street  
aka 45 Longmeadow Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 7, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of 285 Grove Street LLC requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing structure and construction of a new two and a half story structure that will meet setback and height requirements, on a 31,395 square foot lot in a Single Residence District in which the minimum lot size is 40,000 square feet, at 285 Grove Street (AKA 45 Longmeadow Road), shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 16, 2017, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were David Himmelberger, Esq., David Silverstein, Copper Leaf Development, Paul Beaulieu, Field Resources, and Dustin Nolan, Architect.

Mr. Himmelberger said that the request is for a special permit to raze and reconstruct a conforming structure on a nonconforming lot that has an area of 31,395 square feet in a 40,000 square foot Single Residence District.

Mr. Himmelberger said that the proposed structure has a Total Living Area plus Garage (TLAG) of 6,512 square feet, which is below the 7,200 square foot threshold for lots in the SR30 and SR40 Districts. He said that it will be fully dimensionally compliant and is a tastefully designed home.

A Board member read a letter from Joshua Van Houten, Wellesley Department of Public Works, dated December 4, 2017. A Board member said that there is a plan attached to the letter but it is not clear if the drain connection exists or not. Mr. Beaulieu said that it does exist. He said that they were not able to find the manhole that is shown part way down the driveway. He said that it may be paved over under the existing driveway. He said that they did find the catch basin and the four inch pipe out in the street. He said that they have been trying to schedule someone to video it. He said that they will not over burden it by adding any drainage to it but will sustain the existing function of it.

A Board member said that he did not see a lot of information about what happens to the runoff from the new building. He said that ordinarily in a residential area this would not be much of an issue but this will be approximately twice the impervious area. Mr. Beaulieu distributed a drainage plan that shows a reduction in volume of runoff in the 2, 10 and 100 year storms. He said that it is the Applicant's intention

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to connect the utilities and water from Grove Street. The Chairman said that the plan must be stamped by an engineer.

The Chairman said that the Board received a letter from a neighbor that discussed drainage problems on Longmeadow Road. The Chairman said that he did not see what will be provided to reduce runoff from the lot. Mr. Beaulieu said that everything shown in red on the Drainage Plan are things that will help to alleviate stormwater runoff. He said that four systems will be added. He said that three of the systems will be standard Cultec Infiltration Systems that connect the downspouts so that all of the runoff that hits the roof will be dispersed to various parts of the lot so as to not inundate any one portion of the lot. He said that the one of the big issues that happens currently is that water sheds from north to south. He said that they are creating a swale that leads to a rain garden or bio retention system, that has a fantastic ability to reduce surface runoff because its volumetric capacity far surpasses the typical handling of a standard infiltration system. He said that the design point is the entire property line. A Board member said that normally drainage drains to a discharge point. Mr. Beaulieu said that he believes that would be at the driveway because that is the low point. He said that it is spelled out in the Engineer's HydroCad that goes along with the plan.

The Chairman asked what will be done to protect the property to the right on Grove Street because it is lower and looks to be a place where a lot of water could drain off to. Mr. Himmelberger said that everything off of the roof will go into the infiltration system. Mr. Beaulieu said that the two big benefits that that neighbor will see are removal of the driveway off Grove Street, which is a large impervious surface, and instead of having the lot slope towards that neighbor, it will be more level with a retaining wall at the property line. He said that there will be no impervious surface pushing water to the neighbor.

The Chairman asked if there is a landscaping plan. Mr. Silverstein displayed a large format landscaping plan. A Board member questioned whether the drainage and landscape plans are coordinated.

A Board member said that the neighbor's letter characterized the changes in grade. He asked what will be done to raise the existing grade to the proposed grade. Mr. Beaulieu said that the existing site has some high ground on Grove Street and a lower area toward Longmeadow Road. He said that this will front on Longmeadow, as opposed to the current condition where the house fronts on Grove Street and has a walk out condition at the rear. He said that there will be fill with a retaining wall creating a bit of a terrace so it does not appear to be a monstrosity of house.

The Chairman asked what will be done to screen the house from the Spillane's property next door. Mr. Silverstein said that there is significant screening along that property line already. Mr. Beaulieu said that the landscape plan shows the existing trees plus an additional six trees that will be planted to screen the area that is currently void of trees. Mr. Silverstein said that there is a whole area that they will leave in its natural state. Mr. Beaulieu said that they will be taking 199 dba inches of tree down and replacing it with 150 inches. He said that the ultimate goal is to bring this to a wooded state, much like it is. Mr. Silverstein said that a lot of the trees that are coming down were deemed by the arborist as hazardous. He said that according to the Town's Tree Bylaw, 100 inches need to be replaced and they will be over that amount by almost fifty percent. He said that they made a big effort to put a lot of evergreen and deciduous tree cover back, the vast majority of which will grow to be over story. Mr. Beaulieu said that they will plant six trees near the rain garden area where there are currently no trees.

The Board confirmed that there is no possibility of water flow from this property to the Spillane property. Mr. Beaulieu said that this property is below the Spillane property.

Mr. Silverstein submitted a Construction Management Plan (CMP). Mr. Himmelberger said that the plan addresses parking concerns that were expressed in Mr. Spillane's letter. He said that they would be happy to put up a sign on Longmeadow that says that there shall be no construction traffic for 45 Longmeadow Road. The Chairman said that all construction traffic must come up Grove Street. Mr. Himmelberger said that the only qualification that they seek is that there is going to come a time when they have to build the driveway and they will have to close off Grove Street.

The Chairman asked if there will be a wheel wash for coming and going. A Board member said that the property is located in a Water Supply Protection District and they should not be bringing anything in or putting anything on the street that is not acceptable. Mr. Himmelberger said that a wheel wash is described in the CMP.

Mr. Himmelberger said that during construction the property will continue to be known as 285 Grove Street, so vendors and contractors coming to the site will look for the property on Grove Street, not Longmeadow. He said that the CMP talks about large truck traffic and access to the site.

The Chairman said that there appears to be enough room for the workers to park on site. Mr. Beaulieu said that there is a very large U-shaped driveway. Mr. Silverstein said that the plan is to have a temporary crushed stone parking pad on Grove Street. He said that there will be a sign at the end of the driveway on Longmeadow that says that there shall be no construction parking on Longmeadow and anyone who is parked there will be towed. He said that they will have a secondary temporary parking pad on the Longmeadow side so that if there is unforeseen overflow parking, there is the opportunity for workers to park on a secondary parking pad on the property. He said that would not include any large trucks. He said that he has spoken at length with Mr. Spillane about this and is sensitive to it. He said that Longmeadow is a narrow road.

The Chairman asked about snow removal in the winter. Mr. Silverstein said that he contracts with a gentleman in town who clears his projects ongoing. He said that they will clear the parking areas and the driveway. He said that they will keep the paved U-shape driveway on Grove Street for as long as possible.

A Board member said that the property does not have enough frontage on Longmeadow Road. Mr. Himmelberger said that there is no Police, Selectmen or Zoning requirement that an address may only be located on frontage that is adequate, so long as the lot itself does have adequate frontage as this does on Grove Street. Mr. Silverstein said that he spoke with the Selectmen's Office, who pointed him to the Fire Department, who had no issue with changing the address. He said that they wanted a post at the end of the driveway at 45 Longmeadow that indicates the address. Mr. Himmelberger said that the Assessor already calls the property 45 Longmeadow Road.

Mr. Himmelberger said that the CMP discusses sweeping Grove Street. Mr. Silverstein said that traditionally the biggest time when it is an issue is early on in the project during excavation for the foundation.

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A Board member said that the siting of the house presents a corner to the neighbors and they do not see the entire length of the façade, which has the benefit of making it appear smaller than it is.

Catherine Johnson, Planning Board, said that the Planning Board just approved a Large House Review directly across the street at 276 Grove Street with 12,000 square feet of living space. She said that they will be taking down a lot of trees and bringing in a new driveway. She said that the Applicant may be able to share a street sweeper to keep Grove Street clear.

#### Statement of Facts

The subject property is located at 285 Grove Street, aka 45 Longmeadow Road, on a 31,395 square foot lot in a Single Residence District in which the minimum lot size is 40,000 square feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing structure and construction of a new two and a half story structure that will meet setback and height requirements, on a 31,395 square foot lot in a Single Residence District in which the minimum lot size is 40,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Sheet 1 of 2 Plan of Land, Sheet 2 of 2 Plan of Land, Allowable Height Plan, Basement TLAG Exemption, dated 10/31/17, revised 11/14/17, stamped by Bradley J. Simonelli, Professional Land Surveyor, Site Plan Showing Proposed Infiltration Systems, dated 11/16/17, prepared by Thomas A. Ryder, P.E. & Associates, Tree Bylaw Mitigation Plan, dated 11/29/17, prepared by Field Resources, Inc., Construction Management Plan, dated 12/7/17, prepared by Copper Leaf Development LLC, Proposed Floor Plans and Elevation Drawings, dated 11/14/17, prepared by DNA Architecture, and photographs were submitted.

On December 4, 2017, Joshua Van Houten, Wellesley Department of Public Works, Engineering Division, reviewed the petition and submitted comments.

On December 5, 2017, the Planning Board reviewed the petition and recommended that a Special Permit be granted.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that demolition of an existing structure and construction of a new two and a half story structure that will meet setback and height requirements, on a 31,395 square foot lot in a Single Residence District in which the minimum lot size is 40,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

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WELLESLEY, MA 02482  
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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing structure and construction of a new two and a half story structure that will meet setback and height requirements, on a 31,395 square foot lot in a Single Residence District in which the minimum lot size is 40,000 square feet, subject to the following conditions:

1. Construction shall be in accordance with the Construction Management Plan.
2. Drainage shall be in accordance with the Drainage Plan.
3. Landscaping shall be in accordance with the Landscaping Plan.
4. All utilities shall come in from Grove Street.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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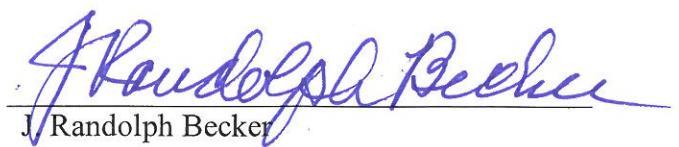
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman

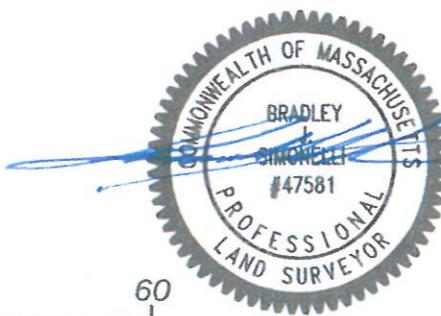
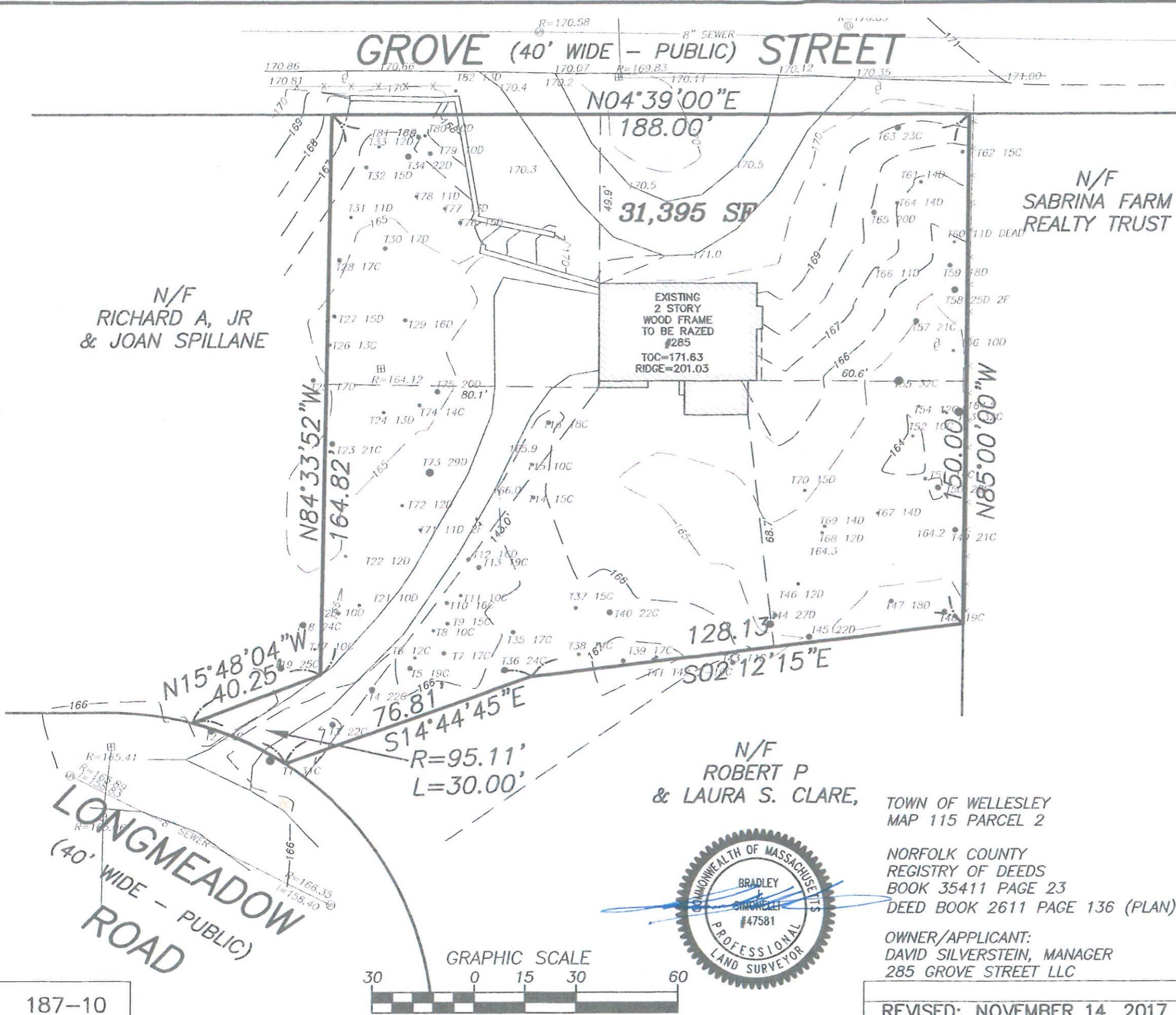


J. Randolph Becker



David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm



**SHEET 1 OF 2**  
**ZONING BOARD OF APPEALS**  
**PLAN OF LAND**  
**45 LONGMEADOW ROAD (FKA 285 GROVE STREET)**  
**WELLESLEY, MASS.**

**Field Resources, Inc.**  
**LAND SURVEYORS**

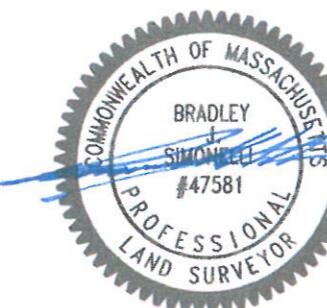
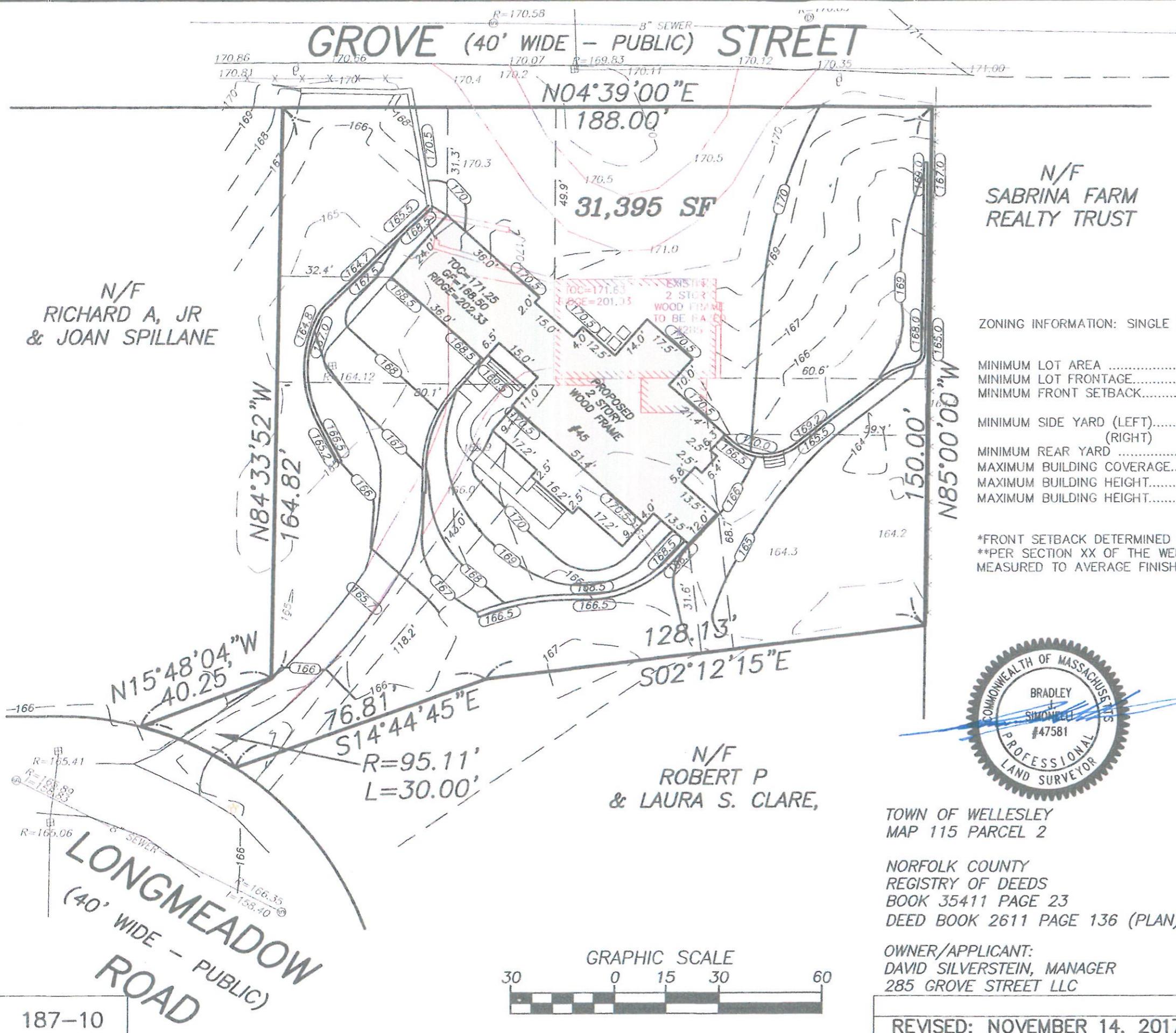
OCTOBER 31, 2017

SCALE 1"=30'

P.O. BOX 324  
AUBURN, MA  
508 832 4332

281 CHESTNUT ST.  
NEEDHAM, MA.  
781 444 5936

fieldresources@hotmail.com



TOWN OF WELLESLEY  
MAP 115 PARCEL 2

NORFOLK COUNTY  
REGISTRY OF DEEDS  
BOOK 35411 PAGE 23  
DEED BOOK 2611 PAGE 136 (PLAN)

OWNER/APPLICANT:  
DAVID SILVERSTEIN, MANAGER  
285 GROVE STREET LLC

REVISED: NOVEMBER 14, 2017

**SHEET 2 OF 2**  
**ZONING BOARD OF APPEALS**  
**PLAN OF LAND**  
**45 LONGMEADOW ROAD (FKA 285 GROVE STREET)**  
**WELLESLEY, MASS.**

Field Resources, Inc.  
LAND SURVEYORS

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P.O. BOX 324  
AUBURN, MA  
508 832 4332  
SCALE 1"=30'  
281 CHESTNUT ST.  
NEEDHAM, MA.  
781 444 5936  
fieldresources@hotmail.com